

Village of Irvington  
Zoning Board of Appeals

Minutes of Meeting held February 22, 2005

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M., Tuesday, February 22, 2005, in the Tiffany Room, Town Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman  
Robert Bronnes  
Bruce E. Clark  
Christopher Mitchell  
Robert C. Myers

Mr. Lustenberger acted as Chairman and Mr. Mitchell as Secretary of the meeting.

Minutes for the Board's meeting of January 18, 2005 were approved.

There were three matters on the agenda:

- 2005-02 Ken & Janet Bernstein - 45 Northbrook Lane (Sheet 1213; Block 0; Lot p26)  
Seeking a variance from section 224-59 (Swimming Pool - Location and Size) of the Village Code in order to permit the construction of a swimming pool.
- 2005-03 Fernando Mateo & Stella Urban - 200 West Clinton Avenue (Sheet 7B; Block 249; Lot 9A)  
Seeking a variance from sections 224-13 (Building Coverage) and 224-136 (Maximum floor area ratio) of the Village Code in order to construct additions and alterations to an existing

residence.

2005-04     Arthur & Sheryl Rosenberg - 148 Fieldpoint Drive  
              (Sheet 10G; Block 4; Lot 148)  
              Seeking a variance from section 224-89  
              (Nonconforming Building Use) of the Village Code  
              in order to construct an addition to an existing  
              residence.

#### Bernstein

Mr. Dean Pushlar, a landscape architect, spoke for the applicants and described the planned location for a swimming pool. Applicants request a variance to construct the pool in a location intruding about ten feet towards the street beyond the line of the house's rear wall, in order to avoid blasting a rock outcropping directly behind the Bernstein home. After discussion and examination of drawings and photographs, the chair stated that he did not believe this was an extensive variance; it was noted, as well, that the closest neighbor supported the variance request. The chair offered a motion to approve the application, which was passed unanimously.

#### Mateo/Urban

The chair noted that the Village Trustees had recently enacted a new statute amending the Village Code, that is relevant to this application. The new enactment reads:

Amend Chapter 224 ARTICLE XXII, §224-138, Procedures for floor area ratio review of houses, as follows:

Add the following subsection D after § 224-138 (C):

D. Additions to Existing Structures that Exceed Allowable FAR: When considering the FAR and out-of-scale components of an application for an addition where the pre-existing structure exceeds the allowable FAR as set forth in § 224-136, the Zoning Board of Appeals may, in its discretion, consider the increase of that addition over the existing FAR of the pre-existing structure provided that the resulting structure is not out-of-scale with the surrounding neighborhood.

Mr. Padraic Steinschneider, representing the applicants, showed drawings and plans which would add 990 square feet to the existing FAR, and 487 square feet to the existing coverage. These requested changes would, in the case of FAR, represent a 17% increase over the existing density, and a 60% increase over allowable FAR. In the case of coverage, 13% would be added to the existing coverage, and 29% over the allowable level.

An extensive discussion ensued, involving all members of the Board and Mr. Steinschneider. The chair stated his view that the planned changes would not make the Mateo/Urban residence out-of-scale with the surrounding neighborhood, and that approving the requested variance would be a reasonable use of the discretion given to the Board under the new Code amendment. In response to other Board members' inquiries, Mr. Steinschneider noted that the

construction described in this request would involve less bulk in the revised structure than was proposed in the summer of 2004. Mr. Steinschneider cited the square footage of some houses near the Mateo property; Mr. Bronnes requested that those figures be provided to the Board in writing, and Mr. Steinschneider agreed to submit them. Following these exchanges, the chair offered a resolution to approve the requested variances, which was approved by a vote of 5-0.

Rosenberg

The applicants described their intended modification, filling in a small first-floor setback in order to gain interior space. After viewing the plans, the chair stated that this appeared to be a de minimis modification; applicants stated that it had been approved by the Fieldpoint Community Association's Architectural Review Committee. The chair offered a resolution to approve the requested variance, which was approved by a vote of 5-0.

There being no further business to come before the meeting, it was, upon motion duly made and seconded, unanimously adjourned.

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Christopher Mitchell